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ATTORNEY DOCKET NUMBER 2002832-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sosin, Howard
Appl. No: 09/996,461
Filed: November 28, 2001
For: IMPACT AND ROLL MEASUREMENT DEVICE

Examiner:
Art Unit: 3711

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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

TECHNOLOGY CENTER R3700

Sir:

STATEMENT FILED PURSUANT TO THE DUTY OF DISCLOSURE
UNDER 37 CFR §§1.56, 1.97 AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants respectfully request consideration of this Supplemental Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(select A, B or C below)

A. ☒ This Supplemental Information Disclosure Statement has been filed:

(check 1, 2, and/or 3 below)

1. ☐ within three months of the filing date of the above identified U.S. Patent application;
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application; and/or
3. ☒ before the mailing date of the first Office Action on the merits in the above-identified application.

No fee or certification is required.

B. ☐ This Supplemental Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of this

first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed; or

2. ☐ Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that
(check a or b below)

a. ☐ each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement; or

b. ☐ no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

c. ☐ items indicated by an asterisk were identified in a recent review of related files.

C. ☐ This Supplemental Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check 1, 2, and 3 below)

1. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:
(check a or b below)

a. ☐ each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

- b. ☐ no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
2. ☐ A Petition requesting consideration of the Supplemental Information Disclosure Statement is attached.
3. ☐ The Petition Fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II: Information Cited

(select A and/or B below)

- A. ☒ The Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.
- B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

(select A and/or B below)

- A. ☐ The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):
- B. ☐ The following are remarks concerning the other information cited:

PART IV: Remarks

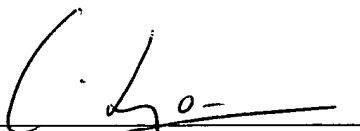
(select A, B, C, D, E, and/or F below)

- A. ☒ Copies of references
 (check 1 or 2 below)
1. ☒ A copy of each of the references cited on the attached form PTO-1449
 (modified) is enclosed;
 2. ☐ Copies of certain of the references cited on the attached form PTO-1449
 (modified) are not enclosed because each of these references (indicated by
 asterisk) was previously cited by or submitted to the Office in a prior
 application, which prior application is relied upon for an earlier filing date
 under 35 U.S.C. § 120.
- B. ☒ It is respectfully requested that:
 (check 1, 2, and 3 below)
1. ☒ The Examiner consider completely the cited information, along with any
 other information, in reaching a determination concerning the patentability
 of the present claims;
 2. ☒ The enclosed form PTO-1449 be signed by the Examiner to evidence that
 the cited patent(s) and publication(s) has (have) been fully considered by
 the Patent and Trademark Office during the examination of this
 application;
 3. ☒ The citations for the patent(s) and publication(s) be printed on any patent
 which issues from this application.
- C. ☒ By submitting this Supplemental Information Disclosure Statement, Applicants
 make no representation that a search has been performed, of the extent of any
 search performed, or that more material information may not exist.
- D. ☒ By submitting this Supplemental Information Disclosure Statement, Applicants
 make no representation that the information cited in the Statement is, or is
 considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- E. [X] By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.
- F. [X] Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested. Please charge any additional fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,



Charles Lyon, Ph.D.
Agent for Applicant
Limited Recognition Under 37 CFR §10.9(b)

CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, Massachusetts 02109
(617) 248-5000

Dated: *December 6, 2002*

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on 12-06-02
Dandra Saccoccia



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BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATES PATENT AND TRADEMARK OFFICE TECHNOLOGY CENTER R3700

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Charles Lyon is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Choate, Hall & Stewart law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Choate, Hall & Stewart law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Choate, Hall & Stewart law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Charles Lyon ceases to lawfully reside in the United States, (ii) Charles Lyon's employment with the Choate, Hall & Stewart law firm ceases or is terminated, or (iii) Charles Lyon ceases to remain or reside in the United States on an H1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: June 3, 2003

Harry I. Moatz

Director of Enrollment and Discipline



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TRANSMITTAL LETTER

Enclosed are the following documents:

1. Supplemental Information Disclosure Statement (5 pages);
2. Supplemental Form PTO-1449 (1 page);
3. Cited Art (4 references);
4. Statement of Limited Recognition (1 page); and
5. Return Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

Charles Lyon, Ph.D.
Agent for Applicant
Limited Recognition Under 37 CFR 10.9(b)

CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000

Dated: December 6, 2002

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I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to: Assistant
Commissioner For Patents, Washington, D.C. 20231
on 12-06-02
Sandra Saccoccia